PETITION FOR WRIT OF HABEAS CORPUS: 28 USC \$2254 (Rev. 9/10) ADOPTED BY ALL FEDERAL COURTS IN TEXAS Case 4:16-cv-01067-Y Document 1 Filed 11/21/16 Page 1 of 22 PageID 1

\$5 po 1646

IN THE UNITED STATES DISTRICT COURTFILED

FOR THE NORTHERN DISTRICT

NORTHERN DISTRICT OF TEXAS

CT COURT FILED

OF TEXASV 2 2 2016

CLERK, U.S. STRICT COURT

By Depart

U.S. DISTRICT COURT

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

4:16-CV-1067-Y

Russell Don Johnson

PETITIONER

(Full name of Petitioner)

Wynne Unit, Texas Department of Criminal

Justice

CURRENT PLACE OF CONFINEMENT

William Stephens
RESPONDENT

(Name of TDCJ Director, Warden, Jailor, or authorized person having custody of Petitioner)

PRISONER ID NUMBER

11154

CASE NUMBER

(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

- 1. The petition must be legibly handwritten or typewritten and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
- 2. Additional pages are not allowed except in answer to questions 11 and 20. Do not cite legal authorities. Any additional arguments or facts you want to present must be in a separate memorandum. The petition, including attachments, may not exceed 20 pages.
- 3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
- 4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

- 5. Only judgments entered by one court may be shallenged in a single patition. Pagengrate petition must be filed to challenge a judgment entered by a different state court.
- 6. Include all of your grounds for relief and all of the facts that support each ground for relief in this petition.
- 7. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices. The proper court will be the federal court in the division and district in which you were convicted (for example, a Dallas County conviction is in the Northern District of Texas, Dallas Division) or where you are now in custody (for example, the Huntsville units are in the Southern District of Texas, Houston Division).

	of Texas, Houston Division).
8.	Failure to notify the court of your change of address could result in the dismissal of your case.
	<u>PETITION</u>
What	are you challenging? (Check all that apply)
	A judgment of conviction or sentence, deferred-adjudication probation. (Answer Questions 1-4, 5-12 & 20-25) probation or
	A parole revocation proceeding. (Answer Questions 1-4, 13-14 & 20-25) A disciplinary proceeding. (Answer Questions 1-4, 15-19 & 20-25) Other: Illegal Cumulation (Answer Questions 1-4, 10-11 & 20-25)
All pe	titioners must answer questions 1-4:
presen discipl questic	In answering questions 1-4, you must give information about the conviction for the sentence you are the serving, even if you are challenging a prison disciplinary action. (Note: If you are challenging a prison linary action, do not answer questions 1-4 with information about the disciplinary case. Answer these can about the conviction for the sentence you are presently serving.) Failure to follow this instruction esult in a delay in processing your case. Name and location of the court (district and county) that entered the judgment of conviction and sentence that you are presently serving or that is under attack:
	29 th District Court
	Palo Pinto, Texas
2.	Date of judgment of conviction: 12-14-1998
3.	Length of sentence: 30 years
4.	Identify the docket numbers (if known) and all crimes of which you were convicted that you wish to
	challenge in this habeas action: 11154,10690

Judgment of Conviction or Sentence, Probation or Deformed Adjudication Probation 3

Guilty Nolo Contendere

What was your plea? (Check one) Not Guilty

5.

6.	Kind of trial: (Check one) Jury Judge Only
7.	Did you testify at trial? Yes No
8.	Did you appeal the judgment of conviction? Yes No
9.	If you did appeal, in what appellate court did you file your direct appeal?
	11 th District Court of Appeals Cause Number (if known): 11-99-00001-CR
	What was the result of your direct appeal (affirmed, modified or reversed)? Affirmed
	What was the date of that decision? <u>01-04-2001</u>
	If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:
	Grounds raised:
	Result:
	Date of result: Cause Number (if known):
	If you filed a petition for a writ of certiorari with the United States Supreme Court, answer the following:
	Result:
	Date of result:
10.	Other than a direct appeal, have you filed any petitions, applications or motions from this judgment in any court, state or federal? This includes any state applications for a writ of habeas corpus that you may have filed. Yes No
11.	If your answer to 10 is "Yes," give the following information:
	Name of court: Court of Criminal Appeals of Texas
	Nature of proceeding: Writ of Habeas Corpus 11.07
	Cause number (if known): Wr-85-188-01

(b)	Give the da	ate and length	of the sentence to l	be served in the	future:	
(a)	If your ans to	be	give the name and l served	in	ourt that imposed the	I the sentence future:
-	ou have any to be petition?		e to serve after you	finish serving	the sentence you	are attacking
	*		petitions, application e information abou		•	
Name	of court tha	t issued the fir	nal decision:			
	was the deci	ດໄດ.ພາ?				
Grour	nds raised:					·
		the particula	ou <u>filed</u> the petition r court:			
Cause	number (if	known):				
Natur	e of proceed	ing:				
Name	of court:			φ		
			ication or motion, g			
			nal decision: <u>Cour</u>		•	
			-2016 ed without written			
Groun			d Invalid sentence o			
stamp	ed date from	i me particula	r court: <u>06-03-2016</u>			

12.

Gase 4:146-cy-01067; Yor Document and Filed 1,1/21/16titi Bage 2:10fg 2:the page the for the sentence you must serve in the future? Yes No

Parole Revocation:		

13.	Date and location of your parole revocation:
14.	Have you filed any petitions, applications or motions in any state or federal court challenging your parole revocation? Yes No
	If your answer is "Yes," complete Question 11 above regarding your parole revocation.
<u>Disci</u>	iplinary Proceedings:
15.	For your original conviction, was there a finding that you used or exhibited a deadly weapon? Yes No
16.	Are you eligible for release on mandatory supervision? Yes No
17.	Name and location of the TDCJ Unit where you were found guilty of the disciplinary violation:
	Disciplinary case number:
	What was the nature of the disciplinary charge against you?
18.	Date you were found guilty of the disciplinary violation:
	Did you lose previously earned good-time days? Yes No
	If your answer is "Yes," provide the exact number of previously earned good-time days that were forfeited by the disciplinary hearing officer as a result of your disciplinary hearing:
	_
	Identify all other punishment imposed, including the length of any punishment, if applicable, and any changes in custody status:
	_
19.	Did you appeal the finding of guilty through the prison or TDCJ grievance procedure? Yes No
	If your answer to Question 19 is "Yes," answer the following:
	Step 1 Result:
	Date of Result:

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GROUANIG-CI	W-Q1 067-Y	Document 1	Filed 11/21/16	Page 7 of 22	PageID 7
	cts (Do not a	rgue or cite law	7. Just state the spo	ecific facts that s	upport your claim.):

Supporting fac	ets (Do not a	rgue or cite law	y. Just state the spe	ecific facts that s	upport your claim.):
	tion of order	be removed an	d Petioners senten		rrent with eligibility
***************************************				***************************************	

whic	cation or disciplinary proceeding that you are attacking in this petition? Yes No ur answer is "Yes," give the date on which <u>each</u> petition was filed and the federal court in h it was filed. Also state whether the petition was (a) dismissed without prejudice, (b) issed with prejudice, or (c) denied.
denie	u previously filed a federal petition attacking the same conviction and such petition was ed or dismissed with prejudice, did you receive permission from the Fifth Circuit to file and petition, as required by 28 U.S.C. § 2244(b)(3) and (4)? Yes No
	any of the grounds listed in question 20 above presented for the first time in this petition?
	No ur answer is "Yes," state <u>briefly</u> what grounds are presented for the first time and give your ons for not presenting them to any other court, either state or federal.
	ou have any petition or appeal now pending (filed and not yet decided) in any court, either
If "Y appli date	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed.
If "Yappli date Give	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the
If "Yappli date Give	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following
state If "Y appli date Give stage (a)	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following is of the judgment you are challenging:
state If "Yappli date Give stage (a) (b)	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following is of the judgment you are challenging: At preliminary hearing: Robert Watson
state If "Yappli date Give stage (a) (b) (c)	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following is of the judgment you are challenging: At preliminary hearing: Robert Watson At arraignment and plea: Robert Watson
state If "Yappli date Give stage (a) (b) (c) (d)	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following is of the judgment you are challenging: At preliminary hearing: Robert Watson At arraignment and plea: Robert Watson At trial: Robert Watson
state If "Yappli date Give stage (a) (b) (c)	or federal, for the judgment you are challenging? Yes No Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 cation, or federal habeas petition), the court in which each proceeding is pending, and the each proceeding was filed. the name and address, if you know, of each attorney who represented you in the following sof the judgment you are challenging: At preliminary hearing: Robert Watson At arraignment and plea: Robert Watson At trial: Robert Watson At sentencing: Robert Watson

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26. If your judgment of conviction, parole revocation or disciplinary proceeding became final over one year ago, you must explain why the one-year statute of limitations contained in 28 U.S.C. § 2244(d) does not bar your petition.¹

The date on which the factual predicate of the claim presented could have been discovered through exercise of due diligence was 12-8-2015, my sentence from 12-15-1999 was not cumulated until 12-8-2015, my sentence from 12-15-1999 was not cumulated until 12-8-2015, this is the date that I was made aware of the Illegal Cumulation and the one year statute of limitations should run from 12-8-2015 to 12-8-2016

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), as contained in 28 U.S.C. § 2244(d), provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

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I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for
Writ of Habeas Corpus was placed in the prison mailing system on $16-14-16$ (month, date, year).
Executed (signed) on $10-14-16$ (date).
and A new York and a season and a season and a season and a season
$0 \cdot n \cdot 1$
Ressell Johnson
Signature of Petitioner
If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Case 4:16-cv-0/1000 Doctor of Filed 11/21/16 Page 11 of 22 PageID 11 The Support of Petitioners Writ of Habeas Corpus 22.54

I Russell Dow Johnson would give the court the following cases, exhibits, and points of Law to support my Claim for Relief.

Attatched as Exibit I will be pages 112-113 of the RePorters Record from Petitioners Punishment Phase on 12-15-1998. This clearly shows a sentencing by Judge + Juny of 30 years, No cumulation. My trial Ended there.

Attatched as Exhibitz will be petitioners final Judgement. Filed 12-16-1998, the next day, to include a cumulation order.

IN Grays Vs. State, (APP 14th Dist. 2009) 2915W 36. 555 it States "once a defendent is removed from the courtison and begins Serving his sentence, it is too late to cumulate the sentence Just Imposed with an earlier one.

An order or cumulation of sentences entered after sentence has been in posed and the defendent has suffered Punishment therefore is null and void Ex Parte Guerrero (cr. APP 1970)

Judgement imposing consecutive sentences, despite an earlier pronouncement of concurrent sentences, violated due process rights to Notice and an opportunity to be heard. USCA const. Amend 14 Exparte Madding 705 SW 36 136

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Order Cumulating Sentences for defendent 20 Page 1012

Of two or more Sentences may not be entered once defendant has begun to serve his sentence

Ex parte Barley (cr. APP 1992) 8425W 20 694

If a trial court wishes to comulate a defendants sentences, it must order at the time and Place that Sentence is orally Pronounced Grays V. State 291 SW 3d 555

A defendants sentence commences on the day it is Pronounced by the trial court. Tex. code crim. Proc. Ann. art. 42.09 (SUPP 2008)

Sentencing for a felony offense must be pronounced in the defendants presence. Tex. code crim. Proc. Ann. art. 42.03 (SUPP 2008) Tex. Code Crim. Proc. Ann. art. 42.14 (2006)

However, an improper cumulation order is considered to be a void sentence, and such error cannot be waived Laporte V. State 840 SW Zd 4/Z, 4/5

These points of Law, and the record I attached as Exibits I and Z, clearly show there was no oral pronouncement of cumulation, at my sentencing or any where i'n my trial. As required in Ex Parte Madding. See exparte Madding 70 SW 3d at 136.

Task that these Exhibits and Points of law be taken into consideration in support of Retitioners claim for Relief.

Respectfully Submitted

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS

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9/21/2016

JOHNSON, RUSSELL DON Tr. Ct. No. 11154A

WR-85,188-01

This is to advise that the Court has denied without written order the application for writ of habeas corpus on the findings of the trial court without a hearing.

Abel Acosta, Clerk

RUSSELL DON JOHNSON WYNNE UNIT - TD&# 855572 810 FM 2821 HUNTSVILLE, TX 77349

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M38 77320

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(A) TGCUZ494 - PASSPORT Friday, January 29, 2016, 7:22:03 AM

Case 4:16-cv-01067-Y Document 1 Filed 11/21/16 Page 14 of 22 PageID 14
T.D.C.J. - INSTITUTIONAL DIVISION

INQUIRE REMARKS INMATE COMMITMENT SYSTEM 01/29/16 07:21:50

TDCJID NO. : 00855572

REARREST DATE: 01 01 0001

SID NUMBER

: 05772177

TDCJ-ID RECV: 01 21 1999

NAME

: JOHNSON, RUSSELL DON

RECORD NUMBER: 01

REMARKS: QWA 11-30-2015 (RED)

12-8-15: SENT FOR AUDITOR CORRECTION

JF

12-08-2015. PER AUDIT CORR, THIS IS A CU CASE CAUSE #10690 CTO 04/19/2008. CAUSE #11154 SBD 12/07/2007 WILL BE ELIG FOR PAR AND SCH FOR REV 12/2022 PEND

BPP VOTE ON THAT CAUSE.

JF

MAX: 12/06/2037.

OPTION:	===>	TDCJID-NUMBER:	OR	SID	NUMBER:	
FIRST 1	REMARK	RECORD				

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somewhere in that range, 40 to 99 years would be
  1
      appropriate for this much violence. Thank you very much.
  2
  3
                     THE COURT: Will you go with the bailiff
     again to the jury room, ladies and gentlemen?
  4
  5
                       (Jury out at 1:01 p.m. to
 6
                        deliberate on punishment.)
 7
                        (Jury in at 3:20 p.m.)
 8
                     THE COURT:
                                All right. Mr. Barrett, has the
 9
     jury reached a verdict?
10
                    PRESIDING JUROR: Yes, sir, we have.
11
                    THE COURT: We, the jury, having found the
     defendant, Russell Don Johnson, guilty of the offense of
12
     aggravated robbery as alleged in the indictment, assess his
13
     punishment at 30 years confinement and no fine. Is that
14
     the unanimous verdict of the jury and so say you all?
15
16
                    THE JURY:
                               It is.
17
                    THE COURT: I will accept your verdict in
     the case, ladies and gentlemen. I appreciate your service
18
     in this case and your willingness to help us this week.
19
     You were sworn to secrecy at the beginning of the trial;
20
    you're now released from that oath. You may discuss this
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22
    case or not discuss it as you see fit. Your checks will be
    mailed to you. If any of you need a certificate for your
23
24
    employer, you may get one in the clerk's office.
25
     thank you very much and merry Christmas.
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Sase 4.16.cv 0100 Document 1 Filed 11/21/16 Page 16 of 22 PageID 16

JUDGMENT

CAUSE NO. 11154

ON

STATE OF TEXAS JURY

IN THE DISTRICT COURT

VERDICT VS.

PALO PINTO COUNTY, TEXAS

OF

29TH JUDICIAL DISTRICT

GUILTY

PUNISHMENT JUDGMENT ON JURY VERDICT OF GUILTY

PUNISHMENT FIXED BY COURT OR JURY - NO PROBATION GRANTED

FIXED

Judge Presiding: Honorable David Cleveland

COURT

3Y

Date of Judgment: December 14, 1998

RUSSELL DON JOHNSON

R

Attorney for State: Jerry D. Ray, District Attorney

URY

Attorney for Defendant: Robert F. Watson, Appointed

0 Offense Convicted of: Aggravated Robbery, an offense described and defined in Art. 42.12 Sec.

ROBATION³g(a)(1)(F), Texas Code of Criminal Procedure

Degree of Offense: First Degree Felony RANTED

Date Offense Committed: July 28, 1998

iled

Charging Instrument: Indictment

Plea: Not Guilty

Jury Verdict: Guilty

Presiding Juror: Jackie L. Barrett

Plea to Enhancement Paragraph(s): N/A

Jury Verdict on Enhancement Paragraph(s); N/A

Findings on Use of Deadly Weapon: Affirmative, to-wit: a pipe wrench which in the manner of its use or intended use is capable of causing death or serious bodily injury.

Punishment Assessed By: Jury

HELEN SLEMMONS DIST. COURT, PALO PINTO CO., TEXAS AT 10:50

Date Sentence Imposed: December 15, 1998

Costs: \$206.25 court costs

Punishment and Place of Confinement: Thirty (30) years I.D.T.D.C.J.

Date to Commence: December 15, 1998

Time Credited: August 3, 1998 thru December 15, 1998 = 135 days

Concurrent Unless Otherwise Specified: Which said punishment shall not begin until the defendant successfully completes and receives full credit for the ten (10) years punishment assessed in Cause No. 10690 styled State of Texas vs. Russell Don Johnson in the 29th Judicial District Court of Palo Pinto County, Texas.

Total Amount of Restitution: \$206.25

Restitution to be paid to:

On the 14th day of December, 1998, this cause was called for trial, and the State appeared by the above named attorney, and the Defendant appeared in person in open Court, the above named counsel for Defendant also being present, and the said Defendant having been duly arraigned and it appearing to the Court that Defendant is mentally competent to stand trial, both parties announced ready for trial and thereupon a jury, to-wit, the above named presiding juror and eleven others were duly selected, impaneled and sworn, and the Indictment was read before the jury and the Defendant's plea thereto was entered as shown above, and the evidence having been submitted, and the jury having been duly charged by the Court, retired in charge of the proper officer to consider the verdict, and afterward were brought into open Court, the Defendant and Defendant's counsel being present, and returned into open Court the verdict set forth above, which was received by the Court and is herenow entered upon the minutes of the Court as shown above.

Thereupon, the Defendant elected to have punishment assessed by the jury and the jury was called back and heard evidence relative to the question of punishment and having been duly charged by the Court, they retired to consider such question, and after having deliberated, they returned into Court the verdict shown under punishment above.

IT IS, THEREFORE, ADJUDGED AND ORDERED by the Court, in the presence of the Defendant and his attorney, that the said verdict be, and the same is hereby in all things approved and confirmed, and the Defendant is adjudged guilty of the offense set forth above as found by the verdict of the jury, and it is adjudged that said Defendant is sentenced in open Court, he and his attorney being present, to a term of imprisonment, as set forth above, and it is ordered that said Defendant shall be delivered by the Sheriff of this county to the Director of the Institutional Division of the Texas Department of Criminal Justice of the State of Texas, or other person legally authorized to receive such convicts, to serve the punishment assessed herein, and the said

Defendant shall be confined in the Institutional Division of the Texas Department of Criminal Justice for a term of thirty (30) years in accordance with the provisions of law governing such punishment and according to the rules and regulations of the Institutional Division of the Texas Department of Criminal Justice.

And the said Defendant is remanded to jail until said Sheriff can obey the direction of this judgment and order herein.

Fingerprint from right/left thumb Of Defendant:



Notice of Appeal:

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somewhere in that range, 40 to 99 years would be
  1
      appropriate for this much violence. Thank you very much.
  2
  3
                     THE COURT: Will you go with the bailiff
      again to the jury room, ladies and gentlemen?
  4
  5
                       (Jury out at 1:01 p.m. to
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                        deliberate on punishment.)
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                        (Jury in at 3:20 p.m.)
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                     THE COURT:
                                 All right. Mr. Barrett, has the
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     aggravated robbery as alleged in the indictment, assess his
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     punishment at 30 years confinement and no fine. Is that
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                    THE JURY:
                                It is.
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                    THE COURT: I will accept your verdict in
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     in this case and your willingness to help us this week.
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     You were sworn to secrecy at the beginning of the trial;
20
     you're now released from that oath. You may discuss this
21
     case or not discuss it as you see fit. Your checks will be
22
    mailed to you. If any of you need a certificate for your
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     employer, you may get one in the clerk's office. Again,
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25
     thank you very much and merry Christmas.
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1 (Jury dismissed at 3:21 p.m.) 2 THE COURT: All right. Any reason why the defendant should not now be sentenced, Mr. Watson? 3 4 MR. WATSON: No, Your Honor. 5 THE COURT: You having been found guilty, Mr. Johnson, by jury verdict of the offense of aggravated 6 robbery, the Court having accepted that verdict, the jury 7 having assessed punishment at 30 years confinement in the 8 Institutional Division of the Department of Criminal 9 10 Justice, and the Court having accepted that verdict, it is therefore the judgment of the Court that you're guilty of 11 the offense alleged in the indictment, aggravated robbery, 12 and you're sentenced to confinement in the Institutional 13 Division for 30 years. You're given credit on that 14 sentence as required by law for the time you've been in 15 16 jail since you were arrested for this offense. Your custody is remanded to the sheriff. 17 18 MR. WATSON: Thank you, Your Honor. 19 20 21 22 (Whereupon, the proceedings were concluded.) 23 24 25 113 Case 4:16-cv-01067-Y Document 1 Filed 11/21/16

FORMS OF VERDICT

We, the jury, having found the defendant, Russell Don Johnson, guilty of
the offense of aggravated robbery an ellegation of the offense of aggravated robbery an ellegation of the offense of aggravated robbery and ellegation of the offense of the
the offense of aggravated robbery, as alleged in the indictment, now assess his
punishment at 3D YEARS (Write in Life, or any term of not more than 99 years or less than 5 years.
confinement is at X and 1 to thou more than 99 years or less than 5 years.
confinement in the Institutional Division of the Texas Department of Criminal
ustice.

We also assess a fine of \$ NONC (Fill in amount or "none.")

Verdict accepted December 15, 1998

at B: 25 P.m.

Dard Church

